

1 STEPHANIE S. CHRISTENSEN  
2 Acting United States Attorney  
3 BENJAMIN R. BARRON  
4 Assistant United States Attorney  
5 Chief, Santa Ana Branch Office  
6 BENJAMIN D. LICHTMAN (Cal. Bar No. 241135)  
7 Assistant United States Attorney  
United States Courthouse  
411 West 4th Street, Suite 8000  
Santa Ana, California 927012  
Telephone: (714) 338-3530  
Facsimile: (714) 338-3561  
E-mail: benjamin.lichtman@usdoj.gov

8 Attorneys for Plaintiff  
9 UNITED STATES OF AMERICA

10 UNITED STATES DISTRICT COURT

11 FOR THE CENTRAL DISTRICT OF CALIFORNIA

12 UNITED STATES OF AMERICA,

13 Plaintiff,

ED CR No. 22-00123-RGK

14 v.  
15 AMAN KHAN,  
16 Defendant.

GOVERNMENT'S SENTENCING POSITION  
FOR DEFENDANT AMAN KHAN

Hearing Date: September 26, 2022  
Hearing Time: 10:00 a.m.

17 Plaintiff United States of America, by and through its counsel  
18 of record, the Acting United States Attorney for the Central District  
19 of California and Assistant United States Attorney Benjamin D.  
20 Lichtman, hereby files its Sentencing Position for defendant  
21 AMAN KHAN.

22 //

23 //

24

25

26

27

28

The government's Sentencing Position is based upon the attached Memorandum of Points and Authorities, the Presentence Investigation Report, the files and records in this case, and such further evidence and argument as the Court may permit.

Dated: September 12, 2022

Respectfully submitted,

STEPHANIE S. CHRISTENSEN  
Acting United States Attorney

BENJAMIN R. BARRON  
Assistant United States Attorney  
Chief, Santa Ana Branch Office

/s/ Benjamin D. Lichtman

BENJAMIN D. LICHTMAN  
Assistant United States Attorney

Attorneys for Plaintiff  
UNITED STATES OF AMERICA

## MEMORANDUM OF POINTS AND AUTHORITIES

## I. INTRODUCTION

Defendant AMAN KHAN ("defendant") awaits sentencing after pleading guilty to counts One and Two of the information in United States v. Khan, ED CR No. 22-00123-RGK, which charge defendant with Fraud Involving Aircraft Parts in Interstate and Foreign Commerce, in violation of 18 U.S.C. § 38(a)(1)(C).

The government recommends that the Court sentence defendant to 41 months of imprisonment and a special assessment of \$200.

## II. THE PRESENTENCE REPORT ("PSR")

On July 18, 2022, the United States Probation Office ("USPO") disclosed the Presentence Report in this matter. The PSR calculated the total applicable offense level as 21 and found that defendant is in Criminal History Category III. (PSR ¶ 93.)

While the government has no objection to the PSR's calculation of defendant's offense level, the government does object to the PSR's calculation of defendant's criminal history category. USPO added two criminal history points, finding that "Defendant committed the instant offense while under a criminal justice sentence including supervised release" in previous federal cases. (PSR ¶ 48.) The PSR notes that the term of supervised release in those cases concluded on May 3, 2019. (PSR ¶ 46.) The offenses to which defendant pleaded guilty in this case occurred in September 2021. Because the government does not possess evidence that defendant committed fraud while he was on supervised release, the government objects to the addition of two criminal history points. Without those two additional points, defendant has a criminal history score of three (PSR ¶ 47), which places defendant in criminal history category II.

1       In the plea agreement, the parties stipulated to the following  
2 sentencing factors:

3

4       Base Offense Level:	6	USSG § 2B1.1(a) (2)
5       Loss > \$1.5 million:	+16	USSG § 2B1.1(b) (1) (I)
6       Conscious or reckless risk 7       of death or serious bodily 8       injury:	+2	USSG § 2B1.1(b) (16) (A)

9       With a stipulated adjusted offense level of 24 and a three-level  
10 reduction for acceptance of responsibility pursuant to U.S.S.G.  
11 § 3E1.1,<sup>1</sup> the government's calculation is the same as that of the  
12 USPO: a total offense level of 21. However, in light of the  
13 government's objection relating to defendant's criminal history, the  
14 government believes the applicable Guidelines range is 41-51 months  
15 in Criminal History Category II.

16 **III. THE GOVERNMENT'S SENTENCING RECOMMENDATION**

17       The government respectfully recommends that the Court impose a  
18 sentence of 41 months, three years of supervised release, and a  
19 special assessment of \$200.<sup>2</sup>

20       The government's recommended sentence is sufficient, but not  
21 greater than necessary, to address the instant offense, taking into  
22 account all the factors the Court must consider under 18 U.S.C.  
23 § 3553(a). Defendant manufactured and sold fraudulent, counterfeit,

---

24

25       <sup>1</sup> At this time, the government moves for a three-level reduction  
26 pursuant to U.S.S.G. § 3E1.1 for defendant's acceptance of  
responsibility.

27       <sup>2</sup> The government defers to the PSR's conclusion that defendant  
28 does not have the ability to pay a fine in addition to restitution.  
(PSR ¶ 89.)

1 and unapproved aircraft parts to private companies and government  
2 agencies, causing losses to customers of approximately \$1.5 million.  
3 (PSR ¶¶ 14, 19.) In mitigation, defendant accepted responsibility  
4 shortly after his arrest and pleaded guilty in a pre-indictment  
5 resolution. The Court can take into account various challenging  
6 aspects of defendant's life in childhood and early adulthood, as well  
7 as his age. (PSR ¶¶ 57-58, 59.)

8 A 41-month sentence would be sufficient, but not greater than  
9 necessary, to address the instant offenses taking into account all of  
10 the factors.

11 **IV. RESTITUTION**

12 In the plea agreement, the parties estimated the applicable  
13 amount of restitution as approximately \$1,529,978, based on losses to  
14 four victims. (Plea Agreement, ¶¶ 8, 12.) The government has since  
15 received a restitution request from an additional victim and passed  
16 that information to the defense. The government anticipates that,  
17 prior to sentencing, the parties will arrive at a stipulation regarding  
18 the total amount of restitution to be ordered in this case.

19 **V. CONCLUSION**

20 For the foregoing reasons, the government respectfully requests  
21 that the Court impose a sentence of 41 months' imprisonment, three  
22 years of supervised release, a \$200 special assessment, and  
23 restitution in an amount to be determined.

24

25

26

27

28